IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 635 (S/S)07

Ved Prakash S/o late Sri Babu Ram,
R/o Dak Pathhar, Dehradun,
District Dehradun. ----Petitioner.

Vs.

1. State of Uttarakhand through the Secretary Irrigation, Uttarakhand, Dehradun,
2. Chief Engineer / Head of Department, Irrigation Department, Dehradun,
3. Executive Engineer, Lakhwar Tunnel, Construction Division, Dak Pathhar, Dehradun,

----Respondents.

Sri C.K. Sharma learned counsel for the petitioner.
Sri H.M. Raturi, learned Standing Counsel for the State of Uttarakhand/respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri C.K. Sharma, learned counsel for the petitioner and Sri H.M. Raturi, learned Standing Counsel for the State of Uttarakhand/respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. Issue writ, order or direction in the nature of certiorari quashing the impugned orders dated 13/14.03.2007 and the order dated 20.03.2007 passed by the respondent no. 3-Executive Engineer, Lakhwar Tunnel Construction Division, Dak Pathhar, Dehradun (contained in annexure no. 1 to this writ petition),

ii. Issue an ad-interim mandamus staying the effect and operation of the impugned order dated 13/14.03.2007 and the order dated 20.03.2007 passed by the

respondent no. 3-Executive Engineer, Lakhwar Tunnel Construction Division, Dak Pathhar, Dehradun (contained in annexure no. 1 to this writ petition),

iii. issue a writ, order or direction in the nature of mandamus commanding the respondents to calculate the gratuity @ of last pay drawn i.e. @ Rs. 7132/-, and to pay leave encashment amount payable to the petitioner,

iv. Award the cost of petition.

During the course of arguments, learned counsel for the petitioner has submitted that he is not being paid gratuity and other sum due to him on the ground that he has filed earlier writ petition bearing writ petition no. 1368 (S/B) 2002 before this Court but the said writ petition has already been disposed of vide Court's order dated 30th July 2007, therefore, the respondents may be directed to pay the amount of gratuity and other dues for which the petitioner is entitled.

As the earlier writ petition bearing no. 1368 (S/B) 2002 filed by the petitioner has already been disposed of by this Court vide order dated 30th July 2007, in the circumstances the respondents are directed to make payment of gratuity and other benefits, for which the petitioner is entitled, in accordance with law, within a period of two months from the date of production of a certified copy of this order.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

August 21, 2007:
NCM: